

ZONING BOARD OF APPEALS DECISION GRID
April 29, 2010

CASE #	ADDRESS	RECORD OF VOTE	DECISION
V-051-09-10	643 Emerson Street	4-1-0	Grant w/Condition
V-053-09-10	162 Waring Road	5-0-0	Grant w/Condition
V-054-09-10	100 Normandy Avenue	0-5-0	Deny
V-055-09-10	850 Ridgeway Avenue	5-0-0	Grant w/condition
V-056-09-10	75 Marshall Street	5-0-0	Grant w/condition
P-002-09-10	20 Miller Street	4-1-0	Uphold CNC Decision
P-003-09-10	18 Wadsworth Street	4-1-0	Uphold CNC Decision
V-036-09-10	641-645 Park Avenue	See Comments Below	

CONDITIONS

643 Emerson Street/V-051-09-10:

The variance was granted on condition that the proposed enclosed porch be redesigned by providing double hung windows that are comparable to the existing windows on the second floor of the subject house and on the enclosed porch of the house at 663 Emerson Street; that the porch windows be installed along the entire front and side façade and the redesign of the porch is subject to review and approval by the Manager of Zoning.

162 Waring Road/V-053-09-10:

The Board granted the variance to maintain front yard parking area on condition that the parking area be no wider than 20 ft measured from the west property line; and that asphalt from the remaining portions of the existing parking area in front of the entrance, except for the walkway(s), be removed (see attached site plan).
The Board did not consider the request to legalize a 23 ft. X 23 ft. shed because the shed extends into the public right-of-way and the Board has no jurisdiction to consider variances in the right-of-way.

850 Ridgeway Avenue/V-055-09-10:

The variance was granted to install the 6 ft. high vinyl fence on condition that the top portion of the proposed 6 ft. high fence (one foot) be lattice fence, see attached site plan.

75 Marshall Street/V-056-09-10:

The variance was granted to install a 3 ft. X 4 ft. detached sign, which includes the informational portion of the sign at the bottom of the main sign. The variance was granted on condition that the 1.3 sq. ft. attached logo sign be installed on the left side of the house as shown on the attached picture and that the proposed external lighting should not shine onto the adjoining uses.

20 Miller Street/V-P-002-09-10:

The Board **overturned** the Director of Zoning denial of a certificate of nonconformity to maintain use of the property as a three (3) family dwelling. Pursuant to Section 120-199G(4) of the Zoning Code, the Board granted the applicant's request and extended the period of abandonment/discontinuance for six (6) months from the issuance date of this Board's decision thereby allowing the applicant to legalize use of the house as a three family dwelling.

18 Wadsworth Street/P-003-09-10:

The Board **Overturned** the Director of Zoning denial of a Certificate of Nonconformity to maintain use of the property as a two (2) family dwelling. Pursuant to Section 120-199G(4) of the Zoning Code, the Board granted the applicant's request and extended the period of abandonment/discontinuance for six (6) months from the issuance date of this Board's decision thereby allowing the applicant to legalize use of the house as a two family dwelling.

***COMMENTS**

641-645 Park Avenue/V-036-09-10:

On January 21, 2010, the Zoning Board of Appeals granted a variance and waived the off-street parking requirement for a gallery/sit-down café at 641-645 Park Avenue. The variance was granted on condition that there be no kitchen in the gallery/café. At their April 29, 2010 meeting, the Board clarified this variance condition. According to the Board's determination, any cooking system that would involve the installation of permanently installed cooking equipment, the installation of cooking equipment that would require an exhaust hood system or any cooking system that would require the installation of a fixed pipe extinguishing system would be considered a commercial kitchen and would exceed the intent of the approval of sit-down café.

The use of plug-in counter top appliances would not be considered a commercial kitchen and can be used in the subject gallery/café.